

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PHILLIP EUGENE DEMRY,

Civil No. 12-0860 (JRT/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

GRESSER COMPANIES, C25
CONSTRUCTION, MORTENSON
CONSTRUCTION, AND THOR
CONSTRUCTION,

Defendants.

Phillip Eugene Demry, Our Saviour's Housing, Attn: Derrek Holt, Case Worker, 2219 Chicago Avenue South, Minneapolis, MN 55404, pro se plaintiff.

The above matter comes before the Court upon the Supplemental Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated August 30, 2012 [Docket No. 15]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Plaintiff's application to proceed in forma pauperis, [Docket No. 2], is **DENIED**; and
2. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: October 2, 2012
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge